IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

RP. No. 818 of 2006(B)

AGAINST THE JUDGEMENT/ORDER IN OP.8629/2002 Dated 10/07/2006
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PETITIONER/PETITIONER:

M.P. BHASKARAN,
HEADMASTER, GOVERNMENT L.P.SCHOOL,
VALVAKKAD, P.O.ELAMBACHI-671 311.

BY ADV. SRI. KALEESWARAM RAJ

RESPONDENTS/RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF GENERAL EDUCATION, SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE ACCOUNTANT GENERAL, KERALA, OFFICE OF THE ACCOUNTANT GENERAL, KERALA.**

3. **ASSISTANT EDUCATIONAL OFFICER, CHERUVATHUR.**

4. **THE SUB TREASURY OFFICER, NILESHWAR.**

BY GOVERNMENT PLEADER SMT. K.R. DEEPA.

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 07/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KURIAN JOSEPH, J.

Review Petition No. 818 OF 2006
IN
O.P. No. 8629 OF 2002

Dated this the 7th day of September, 2007.

O R D E R

This is a petition to review the judgment dated 10.07.2006 in O.P. No. 8629/02. The issue pertains to the alleged recovery made from the DCRG due to the petitioner.

2. This Court in the judgment held that the recovery is impermissible in view of the judgment reported in ***Naseem Ahmad vs. State of U.P*** (**2006(1) KLT SN 88)**. It is stated in the judgment that the same is one delivered by the Supreme Court. The judgment in fact is of the High Court of Alahabad. It is also brought to the notice of this Court that the claim for refund of the amount already deducted from the DCRG has not been considered in the judgment.

For all the above apparent errors on the face of record, the review petition is allowed and the judgment dated 10.07.2006 in O.P. No. 8629/02 is recalled. Post the O.P. for hearing.

KURIAN JOSEPH, JUDGE.

smp